13 April 1964

MEMORANDUM FOR: Deputy Director for Plans

SUBJECT: Memo on Discussions with Mr. Allen W. Dulles on the Oswald Case on 11 April.

1. At the instructions of the DDP, I visited Mr. Dulles on 11 April to discuss with him certain questions which Mr. Dulles feels the Warren Commission may pose to CIA. Mr. Dulles explained that while the Commission wished to clarify certain aspects of the Oswald case in which a response from CIA seemed necessary it was not sure how the questions should be posed nor how CIA should respond. Mr. Dulles hoped that our discussions would enable him to advise the Commission on this matter. He first raised the allegation that Oswald was a CIA agent. He mentioned two sources for this accusation. One was Mrs. Marguerite Oswald, Lee Harvey Oswald's mother, and the other was Mr. Mark Lane, Mrs. Oswald's attorney. He suggested that the Commission, in asking us this question, might well forward a summary or pertinent excerpts of the testimony concerning this matter. He noted, however, that Mrs. Oswald's testimony was so incoherent that it would be difficult to find pertinent excerpts, thus it would be better for the Commission to summarize the testimony.

2. Mr. Dulles then suggested that the response to this question could be in the form of sworn testimony before the Commission by a senior CIA official or a letter or affidavit. He recalled that the Director of the FBI had replied by letter to a similar question. In any event, Mr. Dulles felt the reply should be straightforward and to the point. He thought language which made it clear that Lee Harvey Oswald was never an employee or agent of CIA would suffice. We should also state that neither CIA nor anyone acting on CIA's behalf was ever in contact or communication with Oswald. Mr. Dulles did not think it would be a good idea to cite CIA procedures for agent assessment and handling to show that it would have been unlikely for Oswald to have been chosen as a CIA agent to enter Russia. There are always exceptions to every rule and this might be misunderstood by members of the Commission with little background in activity of this sort. I agreed with him that a carefully phrased denial of the charges of involvement with Oswald seemed most appropriate.

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3. The next question concerned the possibility of Oswald's having been a Soviet agent. Mr. Dulles suggested that the Commission's question on this matter be phrased somewhat as follows: "In the knowledge or judgment of CIA was Lee Harvey Oswald an agent of the Soviet intelligence services or the intelligence services of other communist states at any time prior to 22 November 1963, or was Oswald solicited by these intelligence services to become such an agent?" After considering this question, it became apparent that the problem of making a "judgment" as to whether Oswald might have become an agent of a communist power was subject to the same difficulties we would have encountered if we had tried to answer the allegation of CIA affiliated by citing CIA's own procedures. If CIA, in responding to the "judgment" portion of the question, were to say that in light of its knowledge of Soviet Bloc procedures it was unlikely that Oswald would have become their agent, we would have to admit that exceptions are always possible. Mr. Dulles and I felt that it would be better to avoid this and confine our response to a precise statement of fact. This statement, in Mr. Dulles' view, could note that CIA possessed no knowledge either gained independently or from its study of the materials supplied by the Commission tending to show that Lee Harvey Oswald was an agent of the Soviet intelligence services, or the services of any other Communist country, or for that matter of any other country.

4. Both questions were discussed individually but later Mr. Dulles suggested that because they were interconnected it would be better if the Commission posed them in one letter to CIA. I agreed that this might be simpler.

5. After covering these questions of direct interest to CIA, Mr. Dulles mentioned other issues which concerned the Commission. He remarked that members of the Commission could not understand why CIA had not begun an investigation of Oswald as soon as it received word that he had defected. I noted that this question had been discussed with Mr. Rankin and his staff and there seemed to be considerable understanding of the practical circumstances which made it impossible for CIA to undertake such investigation inside the USSR. I expressed the hope that it would not be necessary for CIA to place matters of this sort in the public record. Mr. Dulles agreed.